UNITED STATES PATENT AND TRADEMARK OFFICE

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09/941,212	08/27/2001	Paul F. Turnbull	10013714-1	5702

7590 03/23/2006	**EXAMINER**
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Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/941,212	TURNBULL, PAUL F.
	Examiner	Art Unit	
	Hassan Phillips	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 December 2005*.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All   b)☐ Some * c)☐ None of:

　　　　1.☐ Certified copies of the priority documents have been received.

　　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1. This action is in response to communications filed December 28, 2005.

Response to Arguments

2. Applicant's arguments filed December 28, 2005 have been fully considered

but they are not persuasive. Applicant argued that:

  a) The office has failed to establish a motivation sufficient for one of ordinary

    skill in the art to modify the teachings of Mattingly with the teachings of the

    413' reference.

  b) Hunt does not show and the Office has not provided a reference that

    shows applets configured to search a predesignated location for a

    firmware upgrade, applets configured to send an email notification

    regarding an available firmware upgrade, or applets configured to install

    the available firmware upgrade in the nonvolatile memory were well known

    in the art at the time of the present invention.

  c) The office has not shown that any reference teaches or suggests "an

    email recipient <u>configured to reply to the email notification</u>, the reply

    comprising a user-designated time at which the upgrade applet will install

    the firmware upgrade onto the computing device".

  d) Sugiarto does not mention an "email notification" that includes "a

    selectable option." Instead, Sugiarto discuses that <u>a *list* of content files</u>

are <u>downloaded</u> and that the user <u>selects a *content file*</u> for purchase and

<u>one of the available *pricing options*</u>.

e) Hunt does not show and the Office has not provided a reference that

shows configuring an applet with a predesignated location or configuring

an applet with an email address for receiving an email notification.

f) Sugiarto does not mention an "email notification" that includes information

such as "the current version of the firmware," " the location of the available

firmware upgrade," "cost associated with the available firmware upgrade,"

and "billing data required to complete an electronic commerce transaction

to purchase the available firmware upgrade."

Examiner respectfully disagrees with Applicants assertions.

3. Regarding item a), in response to applicant's argument that there is no

suggestion to combine the references, the examiner recognizes that obviousness can

only be established by combining or modifying the teachings of the prior art to produce

the claimed invention where there is some teaching, suggestion, or motivation to do so

found either in the references themselves or in the knowledge generally available to one

of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir.

1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case,

Mattingly readily recognizes the need for improved systems and methods for

automatically determining if firmware in a peripheral device requires an upgrade,

(Mattingly, page 2, lines 21-27). In the teachings of Mattingly, an evaluation process

first takes place to determine whether or not firmware in a base station's memory (280)

is outdated by a current version of firmware stored in memory (260). The 413'

reference teaches a method for searching for new documents and notifying a user by e-

mail if the documents are updated later, (413' abstract). Thus, Examiner maintains that

given the teachings of the 413' reference, it would have been obvious to a person of

ordinary skill in the art to modify the teachings of Mattingly to show sending an email

notification to one or more pre-designated email addresses if the firmware upgrade is

found. This would have advantageously provided an efficient means for notifying users

of the peripheral devices on a network (180,190) when firmware upgrades were

available for the peripheral devices, (413' abstract, and Mattingly, page 2, lines 21-27).

4. Regarding item b), Examiner acknowledges Hunt does not show applets

configured to search a predesignated location for a firmware upgrade, applets

configured to send an email notification regarding an available firmware upgrade, or

applets configured to install the available firmware upgrade in the nonvolatile memory.

However, Examiner maintains applets were well known in the art at the time of the

present invention. In particular, applets are mini programs that can be downloaded and

used by a computer equipped with a Java-capable browser. Hunt teaches applets

configured for determining device data, (col. 7, lines 13-42). Thus, Examiner maintains

that the combination of what was well known in the art at the time of the present

invention, the teachings of Hunt, and the teachings of Mattingly, would have been

obvious to combine to one of ordinary skill in the art to teach applets to search a

predesignated location for a firmware upgrade, applets configured to send an email

notification regarding an available firmware upgrade, or applets configured to install the

available firmware upgrade in the nonvolatile memory.

5.   Regarding item c), Examiner acknowledges Hunt does not show "an email

recipient configured to reply to the email notification, the reply comprising a user-

designated time at which the upgrade applet will install the firmware upgrade onto the

computing device". Examiner submits however, an email recipient configured to reply to

an email notification is implicit in the teachings of the 413' reference, (see abstract and

Figures). Furthermore, as previously mentioned, Examiner maintains applets were well

known in the art at the time of the present invention. In particular, applets are mini

programs that can be downloaded and used by a computer equipped with a Java-

capable browser. Hunt teaches applets configured for determining device data, (col. 7,

lines 13-42). Thus, Examiner maintains that the combination of what was well known in

the art at the time of the present invention, the teachings of Hunt, the teachings of

Mattingly, and the teachings of the 413' reference would have been obvious to combine

to one of ordinary skill in the art to teach an email recipient configured to reply to the

email notification, the reply comprising a user-designated time at which the upgrade

applet will install the firmware upgrade onto the computing device.

6.   Regarding item d), Examiner submits in giving the claims their broadest

reasonable interpretation, the "content files" and "pricing options" taught by Sugiarto

have been interpreted to be the selectable options in the claimed invention.

Furthermore, Examiner maintains that the combination of Sugiarto with the 413'

reference and Mattingly would have been obvious to one of ordinary skill in the art to

combine to teach Applicant's claimed "email notification" that includes "a selectable

option."

    7. Regarding item e), Examiner acknowledges Hunt does not show configuring

an applet with a predesignated location or configuring an applet with an email address

for receiving an email notification. As previously mentioned however, Examiner

maintains applets were well known in the art at the time of the present invention. In

particular, applets are mini programs that can be downloaded and used by a computer

equipped with a Java-capable browser. Hunt teaches configuring applets on computing

devices (110, 120) with address locations of servers (100), (col. 7, lines 13-42). Thus,

Examiner maintains that the combination of what was well known in the art at the time

of the present invention, the teachings of Hunt, the teachings of Mattingly, and the

teachings of the 413' reference would have been obvious to combine to one of ordinary

skill in the art to teach configuring an applet with a predesignated location or configuring

an applet with an email address for receiving an email notification.

    8. Regarding item f), Examiner acknowledges Sugiarto does not show an "email

notification" that includes information such as "the current version of the firmware," " the

location of the available firmware upgrade," "cost associated with the available firmware

upgrade," and "billing data required to complete an electronic commerce transaction to

purchase the available firmware upgrade." Sugiarto does teach however, information

comprising: a cost associated with an available content download (page 2, paragraphs

26 and 27); and billing data required to complete an electronic commerce transaction to

purchase the available content download (page 2, paragraphs 26 and 27). Thus,

Examiner maintains that the combination of Sugiarto, the teachings of Hunt, the

teachings of Mattingly, and the teachings of the 413' reference would have been

obvious to combine to one of ordinary skill in the art to teach an "email notification" that

includes information such as "the current version of the firmware," " the location of the

available firmware upgrade," "cost associated with the available firmware upgrade," and

"billing data required to complete an electronic commerce transaction to purchase the

available firmware upgrade."

9. Furthermore, features upon which applicant relies in Applicant's remarks,

(see claim 1, page 15 of the remarks), " ...wherein the email notification includes a

selectable option operable by a user, and installing the firmware upgrade onto the

computing device in response to selection of the selectable option", are not recited in

the rejected claim(s). Although the claims are interpreted in light of the specification,

limitations from the specification are not read into the claims. See *In re Van Geuns*, 988

F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

10. Still further, Examiner has interpreted the claim language as broadly as possible. It is also the Examiner's position that Applicant has not yet submitted claims drawn to limitations, which define the operation and apparatus of Applicant's disclosed invention in a manner that distinguishes over the prior art. Failure for Applicant to significantly narrow definition/scope of the claims implies the Applicant intends broad interpretation be given to the claims. The Examiner has interpreted the claims with scope parallel to the Applicant in the response and reiterated the need for Applicant to define the claimed invention more clearly and distinctly. Accordingly the references supplied by the examiner in the previous office action covers the claimed limitations. The rejections are thus sustained. Applicant is requested to review the prior art of record for further consideration.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

12. Claims 1, 2, 6, 7, 10-14, are rejected under 35 U.S.C. 103(a) as being unpatentable over Mattingly et al. (hereinafter Mattingly), WO 00/17749, in view of Derwent Abstract Pub. No. RD 413041A, (hereinafter 413').

13. In considering claims 1 and 12, Mattingly teaches: a method of, and a
computer-readable medium comprising computer executable instructions configured for,
upgrading firmware on a computing device comprising: determining a current version of
firmware installed on the computing device, (page 6, lines 5-9); searching a pre-
designated location (260) for a firmware upgrade, (page 6, lines 5-21); sending a
message notification to one or more pre-designated addresses if the firmware upgrade
is found, (page 6, lines 22-25); and installing the firmware upgrade onto the computing
device, (page 6, line 25-page 7, line 8).

Although the disclosed teachings of Mattingly show substantial features of the
claimed invention, they fail to disclose: the message notification being an email
message.

Nevertheless 413' teaches: sending an email notification message to a user
when an update is found, (see abstract and Fig. 3).

Thus given the teachings of 413', it would have been obvious to a person of
ordinary skill in the art to modify the teachings of Mattingly to show sending an email
notification to one or more pre-designated email addresses if the firmware upgrade is
found. This would have advantageously notified users on a network when firmware
upgrades were available for the computing device, (413' abstract, and Mattingly, page
2, lines 21-27).

14. In considering claim 2, Mattingly further discloses the searching further
comprising: comparing the current version of firmware with the firmware upgrade to

determine if the firmware upgrade will provide a more recent version of firmware, (page 6, lines 9-21).

15. In considering claim 6, Mattingly further discloses the firmware upgrade occurring automatically when the firmware upgrade is found, (page 3, lines 1-7).

16. In considering claim 7, although the disclosed teachings of Mattingly show substantial features of the claimed invention, they fail to expressly disclose: the pre-designated location being a plurality of pre-designated locations comprising a URL address accessible via the Internet, and a local server address accessible via a local network.

Nevertheless, pre-designated locations comprising URL addresses accessible via the Internet, and local server addresses accessible via local networks were well known in the art at the time of the present invention. 413' teaches: a pre-designated location (17) comprising an address accessible via a network, (see abstract, and Fig. 1).

Thus it would have been obvious to a person of ordinary skill in the art to modify the teachings of Mattingly to show the pre-designated location being a plurality of pre-designated locations comprising a URL address accessible via the Internet, and a local server address accessible via a local network. This would have advantageously provided an alternate means for obtaining the firmware upgrade from a variety of locations, (Mattingly, col. 4, lines 6-2, and 413', abstract).

17. In considering claim 10, Mattingly teaches the computing device being embodied as a device selected from a group of devices comprising: a printer, a scanner, a copier, a facsimile machine, a multifunction peripheral device, a modem, a cellular telephone, a personal computer, and a personal digital assistant (PDA), (page 4, lines 6-12).

18. In considering claim 11, the teachings of Mattingly provide a means for the firmware being device driver software and the firmware upgrade being a device driver upgrade, (page 3, lines 1-7).

19. In considering claim 13, the teachings of Mattingly further provide a means for the computer executable instructions to be further configured to cause a computer to perform the method of claim 1 automatically on a periodic basis, (page 3, lines 1-7).

20. In considering claim 14, the combined teachings of Mattingly (page 3, lines 1-7), and 413' (abstract), provide a means for the computer executable instructions to be further configured to cause a computer to perform the method of claim 1 at the request of a user. One of ordinary skill in the art would combine the teachings of Mattingly with 413' for reasons indicated in considering claims1 and 12.

21. Claims 3, 4, 21, 24-26, are rejected under 35 U.S.C. 103(a) as being

unpatentable over Mattingly and 413', in view of Hunt et al. (hereinafter Hunt), U.S.

Patent 6,539,422.

22. In considering claim 3, although the disclosed teachings of Mattingly and '413

show substantial features of the claimed invention, they fail to expressly disclose: the

searching further comprising initiating a browser application embedded on the

computing device.

Nevertheless, in a similar field of endeavor, Hunt teaches: initiating a browser

application embedded on a computing device to search for information, (col. 3, lines 39-

50).

Thus given the teachings of Hunt, it would have been obvious to a person of

ordinary skill in the art to modify the teachings of Mattingly to show the searching further

comprising initiating a browser application embedded on the computing device. This

would have advantageously provided an alternate means for obtaining the firmware

upgrade, (Hunt, col. 4, lines 13-39).

23. In considering claim 4, the teachings of Hunt further provide a means for the

browser application to be stored on and executed on a second computing device

coupled to the computing device, (col. 4, lines 13-23). One of ordinary skill in the art

would combine the teachings of Mattingly and 413' for the same reasons indicated in

considering claim 3.

24. In considering claims 21 and 26, Mattingly teaches: a computing device and system for upgrading firmware comprising: firmware stored in nonvolatile memory on the computing device, (page 5, lines 15-19); determining a current version of firmware installed on the computing device, (page 6, lines 5-9); searching a pre-designated location (260) for a firmware upgrade, (page 6, lines 5-21); sending a message notification regarding an available firmware upgrade, (page 6, lines 22-25); and installing the firmware upgrade in the nonvolatile memory, (page 6, line 25-page 7, line 8).

Although the disclosed teachings of Mattingly show substantial features of the claimed invention, they fail to disclose: the message notification being an email message.

Nevertheless 413' teaches: sending an email notification message to a user when an update is found, (see abstract and Fig. 3).

Thus given the teachings of 413', it would have been obvious to a person of ordinary skill in the art to modify the teachings of Mattingly to show sending an email notification regarding an available firmware upgrade. This would have advantageously notified users on a network when firmware upgrades were available for the computing device, (413', abstract, and Mattingly, page 2, lines 21-27).

Although the combined teachings of Mattingly and 413' show substantial features of the claimed invention, they fail to expressly disclose: an applet configured to determine the current version of the firmware.

Nevertheless, applets configured for determining information were well known in the art at the time of the present invention. Hunt teaches: applets configured for determining device data, (col. 7, lines 13-42).

Thus, it would have been obvious to a person of ordinary skill in the art to modify the teachings of Mattingly and 413' to show an upgrade applet configured to determine the current version of the firmware. This would have advantageously added flexibility to the computing device by allowing the computing device to determine the current version of the firmware regardless of device platform, (Hunt, col. 4, lines 24-39).

25. In considering claim 24, Mattingly teaches the computing device being embodied as a device selected from a group of devices comprising: a printer, a scanner, a copier, a facsimile machine, a multifunction peripheral device, a modem, a cellular telephone, a personal computer, and a personal digital assistant (PDA), (page 4, lines 6-12).

26. In considering claim 25, the teachings of Mattingly suggest the nonvolatile memory comprises electrically erasable programmable read-only memory (EEPROM), page 5, lines 5-19.

27. Claims 5, 9, 15-17, 20, are rejected under 35 U.S.C. 103(a) as being unpatentable over Mattingly and 413', in view of Sugiarto et al. (hereinafter Sugiarto), U.S. Patent Pub. No. 2002/0143952.

28. In considering claim 5, the combined teachings of Mattingly and 413' further

provide a means for: receiving a reply from a recipient of the email notification,

(Mattingly, page 6, lines 29-31, and '413, abstract).

Although the disclosed teachings of Mattingly and '413 show substantial features

of the claimed invention, they fail to expressly disclose: the email notification comprising

a user designated time, and at the user designated time, downloading and installing the

firmware upgrade onto the computing device.

Nevertheless, Sugiarto teaches a download timer system and method

comprising: a user designating a time to download information onto a computing device,

(page 1, paragraph 5).

Thus given the teachings of Sugiarto, it would have been obvious to a person of

ordinary skill in the art to modify the teachings of Mattingly and 413' to show the email

notification comprising a user designated time, and at the user designated time,

downloading and installing the firmware upgrade onto the computing device. This

would have advantageously given the user flexibility to decide when the automatic

installation of the firmware upgrade should occur (Mattingly, page 3, lines 1-7, and

Sugiarto, page 1, paragraphs 5 and 6), as well as given the user the option to select

quicker service for a higher price, or delayed service for a discounted price, (Sugiarto,

col. 1, paragraph 7).

29. In considering claim 9, the combined teachings of Mattingly and 413' further

provide a means for the email notification to comprise: the current version of firmware

(Mattingly, page 6, lines 5-9, and 413', abstract); the location of the firmware upgrade

(Mattingly, page 6, lines 5-9, and 413', abstract).

Although the disclosed teachings of Mattingly and '413 show substantial features

of the claimed invention, they fail to expressly disclose: a selectable option configured to

automatically install the firmware upgrade onto the computing device, and information

comprising: the cost associated with the firmware upgrade, and billing data required to

complete an electronic commerce transaction to purchase the firmware upgrade.

Nevertheless, Sugiarto teaches: a selectable option configured to download

content at various times, and information comprising: the cost associated with the

content download, and billing data required to complete an electronic commerce

transaction to purchase the content download, (page 2, paragraphs 26 and 27).

Thus given the teachings of Sugiarto, it would have been obvious to a person of

ordinary skill in the art to modify the teachings of Mattingly and 413' to show the email

notification comprising a selectable option configured to automatically install the

firmware upgrade onto the computing device, and information comprising the cost

associated with the firmware upgrade and billing data required to complete an electronic

commerce transaction to purchase the firmware upgrade. This would have

advantageously given the user flexibility to decide when the automatic installation of the

firmware upgrade should occur (Mattingly, page 3, lines 1-7, and Sugiarto, page 1,

paragraphs 5 and 6), as well as given the user the option to select quicker service for a

higher price, or delayed service for a discounted price, (Sugiarto, col. 1, paragraph 7).

30. In considering claim 15, Mattingly teaches: a method of upgrading firmware

on a computing device comprising: pre-designating a server location (260) to be

searched for a firmware upgrade (page 6, lines 5-21); pre-designating an address to

which a notification will be sent when the firmware upgrade is found (page 6, lines 22-

25); receiving a notification at the address, (page 6, lines 22-25).

Although the disclosed teachings of Mattingly show substantial features of the

claimed invention, they fail to disclose: the message notification being an email

message.

Nevertheless 413' teaches: sending an email notification message to a user

when an update is found, (see abstract and Fig. 3).

Thus, given the teachings of 413', it would have been obvious to a person of

ordinary skill in the art to modify the teachings of Mattingly to show sending an email

notification to one or more pre-designated email addresses if the firmware upgrade is

found. This would have advantageously notified users on a network when firmware

upgrades were available for the computing device, (413' abstract, and Mattingly, page

2, lines 21-27).

Although the combined teachings of Mattingly and '413 show substantial features

of the claimed invention, they fail to expressly disclose: the email notification comprising

a selectable option configured to automatically install the firmware upgrade onto the
computing device from a server location.

Nevertheless, Sugiarto teaches: a selectable option configured to download
content at various times from a server location, (page 2, paragraphs 26 and 27).

Thus given the teachings of Sugiarto, it would have been obvious to a person of
ordinary skill in the art to modify the teachings of Mattingly and 413' to show the email
notification comprising a selectable option configured to automatically install the
firmware upgrade onto the computing device from the server location. This would have
advantageously given the user flexibility to decide when the automatic installation of the
firmware upgrade should occur, (Mattingly, page 3, lines 1-7, and Sugiarto, page 1,
paragraphs 5 and 6).

31. In considering claim 16, Sugiarto further teaches in response to a selection of
the selectable option, requesting a time at which the download will occur, (page 1,
paragraph 5). One of ordinary skill in the art would modify the teachings of Mattingly
and 413' with Sugiarto to show in response to a selection of the selectable option,
requesting a time at which the firmware upgrade will be automatically installed, for the
same reasons indicated in considering claim 15.

32. In considering claim 17, Sugiarto further teaches in response to a selection of
the selectable option, requesting billing data required to complete an electronic
commerce transaction to purchase content, (page 1, paragraph 5). One of ordinary skill

in the art would modify the teachings of Mattingly and 413' with Sugiarto to show in response to a selection of the selectable option, requesting billing data required to complete an electronic commerce transaction to purchase the firmware upgrade, to advantageously give the user the option to select quicker service for a higher price, or delayed service for a discounted price, (Sugiarto, col. 1, paragraph 7).

33. In considering claim 20, the teachings of Mattingly provide a means for the firmware being device driver software and the firmware upgrade being a device driver upgrade, (page 3, lines 1-7).

34. Claim 8, is rejected under 35 U.S.C. 103(a) as being unpatentable over Mattingly and 413', in view of Nakao et al. (hereinafter Nakao), U.S. Patent Pub. No. 2001/0054152.

35. In considering claim 8, although the disclosed teachings of Mattingly and 413' show substantial features of the claimed invention, they fail to expressly disclose: the pre-designated email addresses comprising a plurality of pre-designated email addresses.

Nevertheless, pre-designated email addresses comprising a plurality of pre-designated email addresses were well known in the art at the time of the present invention. Nakao teaches a process for sending image data read out by a scanner to a customer of a user in the form of an email wherein: the user selects a pre-designated

email address or a plurality of pre-designated email addresses to send the image data

to, (page 9, paragraph 220).

Thus it would have been obvious to a person of ordinary skill in the art to modify

the teachings of Mattingly and 413' to show the pre-designated email addresses

comprising a plurality of pre-designated email addresses. This would have

advantageously allowed for more than one user at a time to be notified of firmware

upgrades, (Nakao, page 9, paragraph 220).

36. Claims 18, 19, 22, 23, are rejected under 35 U.S.C. 103(a) as being

unpatentable over Mattingly, 413', Sugiarto, and Hunt.

37. In considering claim 18, although the combined teachings of Mattingly, 413'

and Sugiarto show substantial features of the claimed invention, they fail to expressly

disclose: the pre-designating a server comprising configuring an applet on the

computing device with an address location on the server.

Nevertheless, configuring applets on computing devices with address locations of

servers was well known in the art at the time of the present invention. Hunt teaches:

configuring applets on computing devices (110, 120) with address locations of servers

(100), (col. 7, lines 13-42).

Thus, it would have been obvious to a person of ordinary skill in the art to modify

the teachings of Mattingly, 413' and Sugiarto to show the pre-designating a server

comprising configuring an applet on the computing device with an address location on

the server. This would have advantageously allowed for the computing device to

access the server over a network regardless of server/device platform, (Hunt, col. 4,

lines 24-39).

38. In considering claim 19, although the combined teachings of Mattingly, 413'

and Sugiarto show substantial features of the claimed invention, they fail to expressly

disclose: configuring an applet for receiving a notification.

Nevertheless, configuring applets for receiving notifications was well known in

the art at the time of the present invention. Hunt teaches: configuring applets on

computing devices (110, 120) for receiving notifications, (col. 7, lines 13-42).

Thus, it would have been obvious to a person of ordinary skill in the art to modify

the teachings of Mattingly, 413' and Sugiarto to show the pre-designating an email

address to comprise configuring an applet on the computing device with an email

address for receiving an email notification. This would have advantageously allowed for

the computing device to receive the email notifications over a network regardless of

server/device platform, (Hunt, col. 4, lines 24-39).

39. In considering claim 22, the combined teachings of Mattingly and 413' further

provide a means for the email notification to comprise: the current version of firmware

(Mattingly, page 6, lines 5-9, and 413' abstract); the location of the firmware upgrade

(Mattingly, page 6, lines 5-9, and 413' abstract).

Although the disclosed teachings of Mattingly and '413 show substantial features of the claimed invention, they fail to expressly disclose: a selectable option configured to have the available firmware upgrade installed at a user-designated time.

Nevertheless, Sugiarto teaches: a selectable option configured to download content at a user-designated time, (page 2, paragraphs 26 and 27).

Thus given the teachings of Sugiarto, it would have been obvious to a person of ordinary skill in the art to modify the teachings of Mattingly and 413' to show the email notification comprising a selectable option configured to have the available firmware upgrade installed at a user-designated time. This would have advantageously given the user flexibility to decide when the installation of the firmware upgrade should occur (Sugiarto, page 1, paragraphs 5 and 6).

40. In considering claim 23, Sugiarto further teaches: information comprising: a cost associated with an available content download (page 2, paragraphs 26 and 27); and billing data required to complete an electronic commerce transaction to purchase the available content download (page 2, paragraphs 26 and 27). One of ordinary skill in the art would modify the teachings of Mattingly and 413' with Sugiarto to show the email notification further comprising: information comprising: a cost associated with an available firmware upgrade; and billing data required to complete an electronic commerce transaction to purchase the available firmware upgrade, to advantageously give the user the option to select quicker service for a higher price, or delayed service for a discounted price, (Sugiarto, col. 1, paragraph 7).

Furthermore, the combined teachings of Mattingly, 413', Sugiarto and Hunt

provide a means for the selectable option to comprise: a second applet configured to

browse to the pre-designated location and install the available firmware upgrade upon

completion of the electronic commerce transaction, (Mattingly, page 6, lines 5-21, 413'

abstract, Sugiarto, page 2, paragraphs 26 and 27, and Hunt, col. 7, lines 13-42). One of

ordinary skill in the art would modify the teachings of Mattingly with 413', Sugiarto, and

Hunt for the same reasons previously indicated in considering claims 21 and 22.

Conclusion

41. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of

time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

42. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hassan Phillips whose telephone number is (571) 272-3940. The examiner can normally be reached on M-F 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HP/
3/17/06

ZARNI MAUNG
SUPERVISORY PATENT EXAMINER